

BEST AVAILABLE COPY

#13

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT		Docket Number: 11032/2144 PATENT	
Reissue Applicant Dwight Allen MERRIMAN et al	Reissue Application No. 09/577,798	Reissue Filing Date May 24, 2000	
Patent Number 5,948,061	Issued September 7, 1999	Examiner Harle, J	Art Unit 2166
Invention Title METHOD OF DELIVERY, TARGETING, AND MEASURING ADVERTISING OVER NETWORKS		Assignee DoubleClick, Inc.	

Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached is a copy of a Notice of Non-Compliant Amendment (37 CFR 1.121) mailed by the Patent Office on June 27, 2001. This notice indicates that the Preliminary Amendment filed by Applicants on April 4, 2001 is considered non-compliant because it has not been submitted in the format required under 37 C.F.R. 1.121. Specifically, the notice states that the Preliminary amendment should include both a clean and marked-up version of the amended claims, and that unless Applicants re-submit the Preliminary Amendment within one month of the mail date of the notice, examination on the merits may commence without entry of ~ie originally proposed Preliminary Amendment.

Applicants respectfully traverse the issuance of this notice by pointing out that the present application is a Reissue application. As stated in 37 C.F.R. § 1.121(h), "[a]ny amendment to the description and claims in reissue applications must be made in accordance with § 1.173." Applicants submit that the Preliminary Amendment filed on April 4, 2001 is in accordance with 37 C.F.R. § 1.173, which does not require both the clean and marked-up versions.

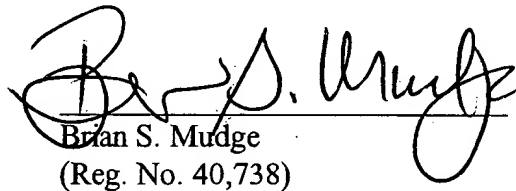
BEST AVAILABLE COPY

Applicants respectfully request withdrawal of the attached Notice of Non-Compliant Amendment, and ask that the originally proposed Preliminary Amendment be promptly entered.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application. Although not believed necessary, the Patent Office is hereby authorized to charge any additional fees relating to this communication or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: July 24, 2001


Brian S. Mudge
(Reg. No. 40,738)

KENYON & KENYON
1500 K Street, N.W.
Washington, DC 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov


APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/077,798	05/24/00	MERRIMAN	D. 11032/5

TM11/0627

 GERARD A. MESSINA ESQ
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK NY 10004-1050

EXAMINER

HABLE 1

ART UNIT

PAPER NUMBER

 2166
 DATE MAILED:

06/27/01

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 4-4-01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☒ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☒ 5. Other Amendment should include both a clean and marked up version of the amended claims.
- ☒ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

 Supv. Macia L. Fletcher
 Legal Instruments Examiner

 JUN 27 10 11 AM '01
 NEW YORK
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK, NY 10004

070301

 JUN 27 10 06 AM '01
 NEW YORK
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK, NY 10004